

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

OCT 12 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0112
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
NOA SALAZAR,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20080843

Honorable Clark W. Munger, Judge

AFFIRMED

Isabel G. Garcia, Pima County Legal Defender
By Alex Heveri

Tucson
Attorneys for Appellant

H O W A R D, Chief Judge.

¶1 After a jury trial, appellant Noa Salazar was convicted of aggravated driving under the influence of an intoxicant (DUI) and driving with an alcohol concentration (AC) of .08 or greater, both while his license was suspended, canceled, revoked, refused or restricted. The trial court found he had three historical prior felony

convictions and sentenced him to maximum, twelve-year terms of imprisonment, to be served concurrently.

¶2 Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has reviewed the entire record and found no arguably meritorious issues to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided “a detailed factual and procedural history of the case with citations to the record,” and asks this court to search the record for any error that might warrant relief.

¶3 We conclude substantial evidence supported findings of all the elements necessary for Salazar’s convictions. *See* A.R.S. §§ 28-1381(A)(1),(2); 28-1383(A)(1). In sum, witnesses observed Salazar as he parked his vehicle on the wrong side of the road in a manner that impeded traffic, got out holding and drinking an alcoholic beverage, and urinated in the bushes of a nearby residence. Additional evidence established that, on the same day, Salazar had an estimated AC of .271 within two hours of driving, his license previously had been suspended and revoked, and he had been convicted of three felony offenses committed within the preceding five years. Salazar’s sentences were within the range authorized and were imposed in a lawful manner. *See* A.R.S. §§ 13-105(22)(c); 13-703(C),(J).¹

¹The Arizona criminal sentencing code has been renumbered, effective “from and after December 31, 2008.” *See* 2008 Ariz. Sess. Laws, ch. 301, §§ 1-120. For ease of reference and because no changes in the statutes are material to the issues in this case, *see id.* § 119, we refer in this decision to the current section numbers rather than those in effect at the time of Salazar’s offense.

¶4 In our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Salazar’s convictions and sentences.

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Presiding Judge

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge